

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 17-2396-AB (KS) Date: August 14, 2017

Title *Jason David v. Los Angeles County Sheriff's Department*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker
Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

On March 28, 2017, Plaintiff, a California state prisoner proceeding *pro se* filed a civil rights complaint (“Complaint”) pursuant to 42 U.S.C. § 1983 (“Section 1983”) related to an injury he suffered to his hand/fingers and the ensuing medical care. (Dkt. No. 1.) On June 26, 2017, after Plaintiff received authorization to proceed *in forma pauperis* (Dkt. No. 8), the Court dismissed the Complaint with leave to amend and ordered Plaintiff to file a First Amended Complaint within 30 days, *i.e.*, no later than July 26, 2017, and warned Plaintiff that his failure to do so could result in a recommendation of dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Dkt. No. 9.)

More than two weeks have passed since Plaintiff’s First Amended Complaint was due, and Plaintiff has neither filed the First Amended Complaint, notified the Court of a change of address, nor otherwise communicated with the Court about his case.

Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.” Accordingly, the Court could properly recommend dismissal of the action for Plaintiff’s failure to timely comply with the Court’s June 26, 2017 Order.

However, in the interests of justice, Plaintiff is **ORDERED TO SHOW CAUSE on or before September 13, 2017** why the Court should not recommend that this action be dismissed for failure to prosecute. Plaintiff may discharge this Order by filing: (1) a request for an extension of time to file a First Amended Complaint and a declaration

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signed under penalty of perjury, explaining why he failed to comply with the Court's June 26, 2017 order; or (2) a First Amended Complaint. Alternatively, if Plaintiff does not wish to pursue this action, he may dismiss the Complaint without prejudice by filing a signed document entitled "Notice Of Voluntary Dismissal" pursuant to Rule 41(a)(1)(A).

Plaintiff is advised that the failure to respond to this order will lead the Court to recommend dismissal pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Initials of Preparer

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rhw